

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Brenda Lee Brown,)	C/A No.: 4:09-1499-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Dr. Scott;)	
Steve Turner; and)	
Sexton Dental Clinic,)	
)	
Defendants.)	
_____)	

This matter is before the court for review of the Report and Recommendation [Docket entry #12] of United States Magistrate Judge Thomas E. Rogers, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. The Plaintiff, Brenda Lee Brown alleges a cause of action against the Defendants for fraud and medical malpractice committed during and after all of her teeth were extracted. The Plaintiff and at least two of the Defendants (Dr. Scott and Steven Turner) are citizens of South Carolina. Magistrate Judge Rogers recommends dismissing the complaint without prejudice and without issuance and service of process because neither the requirement for diversity nor federal question jurisdiction have been met. (Report p. 7). Plaintiff timely filed objections [Docket entry #13] to the Report and Recommendation on August 31, 2009.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is

made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Although the Plaintiff timely filed objections to the Report and Recommendation, her objections were not specific and do not address the jurisdictional deficiencies noted by the Magistrate Judge. The court has reviewed Plaintiff's objections and finds that they are without merit.

After a thorough review of the Report and Recommendation [Docket entry #12] and the record in this case, the Plaintiff's objections are overruled and the court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein.

It is therefore

ORDERED that the complaint in this case is dismissed without prejudice and without issuance and service of process.

s/R. Bryan Harwell

R. Bryan Harwell

United States District Judge

November 11, 2009
Florence, South Carolina